

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-120-FDW**

BENJAMIN WHITE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
LAWRENCE PARSONS, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on periodic status review.

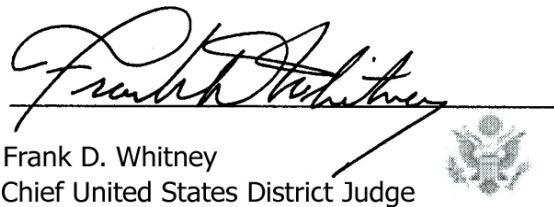
Plaintiff BenjaminWhite and four other inmates of the Lanesboro Correctional Institution in Polkton, North Carolina, filed this action pursuant to 42 U.S.C § 1983 on November 7, 2014, alleging that several corrections officers were deliberately indifferent by failing to protect them from violence. The Clerk opened the matter as case number 3:14-cv-625-FDW. Following initial review by the Court, Plaintiff's counsel was instructed to prepare summonses for the named Defendants and submit them to the Clerk of Court for service of process. (3:14-cv-625-FDW Doc. No. 8 at 2). The Plaintiffs submitted summons forms for service of process on nine Defendants which were returned executed. (3:14-cv-625-FDW Doc. No. 10-19, 24). The served Defendants moved for severance, which was granted on March 10, 2016, and White's amended complaint against Defendants Lawrence Parsons, Rhonda Jackson, and FNU Andrews was opened in the instant case. (3:14-cv-625-FDW Doc. No. 37, 47, 51).

Review of the dockets in this case and case number 3:14-cv-625-FDW reveals that Plaintiff's counsel never returned a summons for Defendant FNU Andrews, and thus, the U.S. Marshals Service never attempted service on that Defendant.

The Clerk is instructed to mail a summons form for Plaintiff to fill out as to Defendant FNU Andrews and to return to the Court for service of process by the U.S. Marshals Service. Plaintiff shall have **twenty days** in which to return the summons form to the Court for service on Defendant FNU Andrews. If Plaintiff does not return the summons form to the Court within the time period allotted, Plaintiff's claim against Defendant FNU Andrews will be dismissed without prejudice and without further notice to Plaintiff.

IT IS SO ORDERED.

Signed: July 12, 2017



Frank D. Whitney
Chief United States District Judge

